

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

4/19/23

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UNITED STATES OF AMERICA	:	
- v. -	:	CONSENT PRELIMINARY ORDER
	:	OF FORFEITURE AS TO
JOHN MUESER,	:	<u>SPECIFIC PROPERTY</u>
	:	
Defendant.	:	S1 22 Cr. 308 (VB)
	:	
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WHEREAS, on or about January 10, 2023, JOHN MUESER (the "Defendant"), was charged in a two-count superseding Information, S1 22 Cr. 308 (VB) (the "Information"), with coercion and enticement, in violation of Title 18, United States Code, Sections 2422(b) and 2427 (Count One); and possession of child pornography, in violation of Title 18, United States Code, Sections 2252A(a)(5)(B) and (b)(2) (Count Two);

WHEREAS, the Information included a forfeiture allegation as to Counts One and Count Two of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Sections 2428 and 2253, of any and all property, real and personal, constituting or derived from proceeds obtained, directly or indirectly, as a result of the offenses charged in Counts One and Two of the Information, and any and all property, real or personal, that was used or intended to be used to commit or to facilitate the commission of the offenses charged in Counts One and Two of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One and Two of the Information, and the following specific property:

- a. iPad secured as FBI evidence #E5448755 for case 305G-NY-3254753;
- b. iPad secured as FBI evidence #E6618281 for case 305G-NY-3254753;
- c. Apple computer with S/N N53291BVNAF;

- d. Samsung Laptop Computer secured as FBI evidence #E6618484 for case 305G-NY-3254753;
- e. A1047 Power Mac G-5 Tower with Silver CPU model number A1355 and S/N 6F9500Q9ACG;
- f. One iPad secured as FBI evidence #E6618282 for case 305G-NY-3254753;
- g. Mac Mini Device, Model A2183 with S/N YM91830419X;
- h. Mac Mini Device, Model A2183 with S/N YM9183JM19X;
- i. G-Drive External Hard Drive, 4TB with S/N WX31D689AX0Z;
- j. Black iPhone with Black “BASE” case secured as FBI evidence #E6618555 for case 305G-NY-3254753;
- k. Silver Apple Mac Book Air laptop with S/N FV FY80HLJK7D;
- l. Black Apple iPhone with S/N F71SL0V6HG7W; and
- m. Black iPhone 7 Model A1778 secured as FBI evidence #E6407172 case 305G-NY-3254753;

(a. through m. collectively, the “Specific Property”);

WHEREAS, on or about January 10, 2023, the Defendant pled guilty to Counts One and Two of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One and Two of the Information and agreed to forfeit to the United States, all of his right, title, and interest in the Specific Property;

WHEREAS, the Defendant consents to the forfeiture of all his right, title and interest in the Specific Property, which constitute property used or intended to be used to commit or to facilitate or promote the commission of the offenses charged in Counts One and Two of the Information; and

WHEREAS, pursuant to Title 21, United States Code, Section 853(g), and Rules 32.2(b)(3), and 32.2(b)(6) of the Federal Rules of Criminal Procedure, the Government is now entitled, pending any assertion of third-party claims, to reduce the Specific Property to its possession and to notify any and all persons who reasonably appear to be a potential claimant of their interest herein.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney Marcia S. Cohen, of counsel, and the Defendant and his counsel, Peter Katz, Esq., that:

1. As a result of the offenses charged in Counts One and Two of the Information, to which the Defendant pled guilty, all the Defendant's right, title and interest in the Specific Property is hereby forfeited to the United States for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture as to Specific Property is final as to the Defendant JOHN MUESER, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. Upon entry of this Consent Preliminary Order of Forfeiture as to Specific Property, the United States (or its designee) is hereby authorized to take possession of the Specific Property and to hold such property in its secure custody and control.

4. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Certain Admiralty and Maritime Claims and Asset Forfeiture Actions, the United States is permitted to publish forfeiture notices on the government internet site,

www.forfeiture.gov. This site incorporates the forfeiture notices that have been traditionally published in newspapers. The United States forthwith shall publish the internet ad for at least thirty (30) consecutive days. Any person, other than the Defendant, claiming interest in the Specific Property must file a Petition within sixty (60) days from the first day of publication of the Notice on this official government internet web site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

5. The published notice of forfeiture shall state that the petition (i) shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Specific Property, (ii) shall be signed by the petitioner under penalty of perjury, and (iii) shall set forth the nature and extent of the petitioner's right, title or interest in the Specific Property, the time and circumstances of the petitioner's acquisition of the right, title and interest in the Specific Property, any additional facts supporting the petitioner's claim, and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

6. Pursuant to 32.2 (b)(6)(A) of the Federal Rules of Criminal Procedure, the Government shall send notice to any person who reasonably appears to be a potential claimant with standing to contest the forfeiture in the ancillary proceeding.

7. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Specific Property pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.


8. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Specific Property, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

10. The signature page of this Consent Preliminary Order of Forfeiture as to Specific Property may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: 

MARCIA S. COHEN
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(914) 993-1902


4-17-2023
DATE

JOHN MUESER

By: 

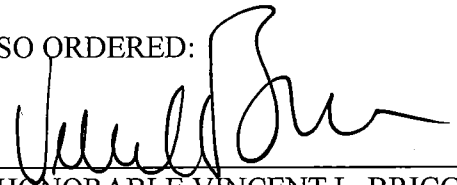
JOHN MUESER

4/19/23
DATE

By: 

PETER KATZ, ESQ.
Attorney for Defendant
116 Village Blvd., 2nd Floor
Princeton, NJ 08540

4/19/23
DATE

SO ORDERED:


HONORABLE VINCENT L. BRICCETTI
UNITED STATES DISTRICT JUDGE

4/19/23
DATE